

**REMARKS**

Applicant respectfully requests reconsideration and allowance of claims 44-124, and 127-130 that are pending in the above-identified patent application and stand rejected. Applicant has amended claims 44, 46, 51, 52, 54, 57, 63, 64, 68, 71, 75, 78, 81, 83, 127 and 129. Support for these amendments can be found at paragraphs [0100]-[0102], [0119]-[0123], [0149]-[0162], [209], [0240] – [0241], [0248] – [0250] of US 20070208699 which is a publication of the subject application. No new matter has been added by the amendments herein. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

**Ia. Rejection of Claims 44-50, 59, 63, 85, 93, 101, 109 and 117 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 44-50, 59, 63, 85, 93, 101, 109 and 117 under 35 U.S.C. §103(a) as being unpatentable over *Vora et al.* (U.S. 5,819,273) (hereinafter referred to as “Vora”) in view of *Hurst-Hiller et al.* (U.S. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”), *Christopher Bailey et al.* (“Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia”, OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as “Bailey”), and *Hogan et al.* (U.S. 7,299,222, hereinafter referred to as “Hogan”). In view of the amendments herein, Applicant respectfully traverses the Examiner’s rejections.

Amended independent claims 44 and 63 of the instant application recite, in part, “the collection unit repeatedly accesses a URL of the web page at the predetermined timings for collecting the contents to be evaluated and stores a plurality of collection histories that are indicative of whether or not the contents to be evaluated could be collected by the collection unit at the predetermined timings respectively, and the plurality of collection histories are used to determine the degree of reliability of the contents.”

The cited art does not teach or suggest such claim features.

Vora relates generally to the technique for searching for information stored in information storage devices, and controlling the display of indicia of content for information search on a client computer. The Examiner pointed out that Vora teaches an information search provision apparatus comprising some elements recited in claim 44. However, Vora discloses only the preamble of the

invention as recited in claim 44. Vora merely relates to evaluation of contents only in terms of relevance ranking, rather than reliability. For example, Vora explicitly discloses, *"The user can also specify in box 415 the maximum number of returns that the search software is to retrieve and present to the user. This is provided in order to allow the user to view and select the most relevant articles as the searching software ranks the retrieved documents by relevance according to well known document vectors which include parameters such as the number of times a particular desired word (which was included in the search parameters) is used in the document, along with other well known relevance ranking factors."* (See Vora, Col. 10, lines 55-64).

Hurst-Hiller relates to the technique for monitoring a user's attempt to access a Web site or other network site, and detect failed access attempts such as HTTP 404 messages. The access failure message is not passed directly through to the user. Rather, the user may be given a choice via a dialogue to view a stored version of the site they were attempting to access, so that some or all of the desired information may still be accessed. On page 7 of the subject Office Action, it is contended that, "Hurst-Hiller, though, discloses a reliability control unit which increases or decreases a degree of reliability of the contents to be evaluated, depending on whether or not it is possible for the collection unit to collect the contents to be evaluated". In accordance with Hurst-Hiller, the user is informed only of failure of accessing a Web site, and given a choice via a dialogue to view a stored version of the site. The user can view the stored version in place of the HTTP 404 message. However, such redirection of users to stored content may not necessarily be an indication of reliability or lack thereof as it may be due to an occasional failure which may be temporary. In accordance with the claimed subject matter, the reliability can be more finely presented in a stepwise manner such as 60, 80, 600 by the use of a plurality of collection histories. Such aspects are not disclosed by Hurst-Hiller.

Bailey relates generally to link augmentation which is a technique for inserting external links directly into the body of a document. On page 7 of the subject Office Action, it is again contended that Bailey discloses a "value" calculation, which is indicative of a degree of reliability. In accordance with Bailey, the "Page Not Found" category is identified by an SLP, which determines its confidence in the page. However, the confidence is determined by identifying phrases like 'Document Moved', the amount of text in the page, the number of hyperlinks and the frequency of keywords like 'broken', 'error' and '404', rather than storing a plurality of collection

histories indicative of whether or not the contents to be evaluated could be collected at different times respectively, and determining the degree of reliability of the contents by the use of the plurality of collection histories. For example, Bailey discloses, "Single Layer Perception" (SLP) network to extract the key features from the page and apply a set of weights to these features. These features include identifying phrases like 'Document Moved', the amount of text in the page, the number of hyperlinks and the frequency of keywords like 'broken', 'error' and '404'. The SLP produces a probability, which determines its confidence in the page belonging to the 'Page Not Found' category. If this is high, the page is ignored; otherwise the context agent applies the TFIDF algorithm to the page and produces a 'context model' for this document." (See Bailey, Page. 246, item 2). Bailey thus parses and analyzes the page to determine the confidence as to whether the page is valid or not. Also, in accordance with Bailey, when accessing the page for the purpose of providing link augmentation into the page, if its confidence is low, the link to the page is simply not added. Moreover, Bailey also fails to disclose displaying the measure of reliability to a user. In accordance with the claimed subject matter as recited in independent claims 44 and 63, the accessibility of contents is evaluated by repeatedly accessing the contents and is presented to the user as the reliability. In view of the foregoing, it can be concluded that Bailey fails to disclose a value, which is indicative of a degree of reliability of the contents to be evaluated, based upon a plurality of collection histories collected at different times.

Hogan relates to a search tool graphical user interface including search results that correspond to the search criteria as well as an indication of availability of content corresponding to the search results, in the form of a graphical icon proximate to the search result for which the indication of availability is being rendered. The Examiner pointed out that "Hogan, though, teaches a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user of the apparatus. (See Hogan Abstract discussing the display of characteristics such as availability or maturity of content and associated search results. See also Fig. 2 #210c "Currently unavailable" and Fig. 2E "Slow load time" Legend showing values indicative of the degree of reliability of search results.)" The slow load time does not directly correspond to the degree of reliability of search results, but may only correspond to the low performance of the Web server, or the narrow bandwidth or temporary congestion of the communication line. However, if the content becomes frequently unavailable, the reliability of the

content or Web server is believed to be low. The reliability, in accordance with the claimed subject matter, is evaluated on the basis of whether or not the content becomes frequently unavailable by the use of a plurality of collection histories. In accordance with Hogan, the availability of content is one of the characteristics which are presented with search results corresponding to the content. "Currently unavailable" means only that the content is currently unavailable when providing search results to the user. Thus, in accordance with Hogan, only the latest access is taken into consideration, which would not include information about availability of the content at different timings over a certain time period as recited in the claimed subject matter.

In view of at least the foregoing, it can be concluded that a combination of the cited references does not teach or suggest a plurality of collection histories are stored indicative of whether or not the contents to be evaluated could be collected at different times respectively, and are used to determine the degree of reliability of the contents. Hence, this rejection should be withdrawn with respect to claims 44, 63 and all claims depending therefrom.

**Ib. Rejection of Claim 51-53, 60, 86, 94, 102, 110, and 118 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 51-53, 60, 86, 94, 102, 110, and 118 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as "Vora") in view of Hurst-Hiller et al. (U.S. Pat. Pub. No. 2006/0015573) (hereinafter referred to as "Hurst-Hiller"), Christopher Bailey et al. ("Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia", OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as "Bailey"), and Hogan et al. (U.S. 7,299,222, hereinafter referred to as "Hogan"). In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

Independent claim 51 recites: "a comparison unit which compares the collected contents to be evaluated with subsequently collected contents, to be evaluated, posted on the same web page; an update determining unit which identifies if an update was performed on the contents to be evaluated, based on a result of the comparison; a reliability control unit which determines a value, which is indicative of a degree of reliability of the contents to be evaluated according to a result of the determination by the update determining unit; and .....wherein a plurality of updates on the

contents are used to determine the degree of reliability of the contents.” The cited art does not teach or suggest such claim features.

The claimed subject matter generally relates to the use of update information in determining the degree of reliability. On page 12 of the subject Office Action, it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 51. However, it is erroneously contended that “Hogan, though, teaches . . . an update determining unit which determines if the contents to be evaluated has been updated or not, based on a result of the comparison; (See Hogan Fig. 1D #105 indicating that a search result page has been refreshed within the last 48 hours.)” It is respectfully submitted that the term “refresh” is generally used as “reload” rather than “update”. Even if the search result page has been refreshed within the last 48 hours, it does not necessarily mean that the content is updated, i.e., the display of the search result page may not be changed even after refreshing. Particularly, in accordance with the amended claim 51, a plurality of updates on the contents are used to determine the degree of reliability of the contents. Hence, the contention that Hogan discloses such aspects is erroneous. Therefore, this rejection should be withdrawn with respect to independent claim 51 and all claims depending therefrom.

**Ic. Rejection of Claims 54-56, 61, 87, 95, 103, 111, and 119 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 54-56, 61, 87, 95, 103, 111, and 119 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as “Vora”) in view of Hurst-Hiller et al. (U.S. No. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”), Christopher Bailey et al. (“Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia”, OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as “Bailey”), and Hogan et al. (U.S. 7,299,222, hereinafter referred to as “Hogan”). In view of the amendments herein, Applicant respectfully traverses the Examiner’s rejections.

Amended independent claim 54 recites at least in part: “a contribution storage which stores keywords as elements which contribute to increase in a value, which is indicative of a degree of reliability of the contents to be evaluated, and/or keywords as elements which contribute to

decrease in the value". The cited art does not teach or suggest such claim features.

Independent claim 54 relates to the elements contributing to increase or decrease in the degree of reliability. On page 15 of the subject Office Action, it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 51. However, it is erroneously contended that, "Hogan, though, teaches an element extraction unit which extracts an element contributing to increase or decrease in a degree of reliability of the contents to be evaluated, by referring to the acquired contents; (See Hogan Fig. 1D #105 indicating that a search result page has been refreshed within the last 48 hours.)" The fact that a search result page is refreshed cannot disclose an element extraction unit as recited in independent claim 54. In accordance with the amended claim 54, a contribution storage is provided to store keywords as elements which contribute to increase in a value, which is indicative of a degree of reliability of the contents to be evaluated, and/or keywords as elements which contribute to decrease in the value. Such features facilitate that the reliability of the contents can be evaluated by selecting such keywords in advance which increases the probability that the contents are reliable. These aspects are not taught or suggested in the cited art. Therefore, this rejection should be withdrawn with respect to claim 54 and all claims depending therefrom.

**Id. Rejection of Claims 57, 58, 62, 88, 96, 104, 112, and 120 and under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 57, 58, 62, 88, 96, 104, 112, and 120 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as "Vora") in view of Hurst-Hiller et al. (U.S. No. 2006/0015573) (hereinafter referred to as "Hurst-Hiller"), Christopher Bailey et al. ("Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia", OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as "Bailey"), and Hogan et al. (U.S. 7,299,222, hereinafter referred to as "Hogan"). In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

Amended independent claim 57 recites at least in part: "a consistency determining unit which determines consistency of the item to be assessed between the specified own contents and the acquired contents, other than the own contents; and a reliability control unit which increases

or decreases a value, which is indicative of a degree of reliability of the own contents, and a value, which is indicative of a degree of reliability of the other contents, according to the decision made by the consistency determining unit". The cited art does not teach or suggest such claim features.

On the last paragraph of page 18 it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 51. However, it is also contended that, "Hogan, though, teaches a consistency determining unit which determines consistency of the item to be assessed in a manner that the specified own contents is compared" with contents, in the acquired contents, other than the own contents; (See Hogan Fig. 1D #105 indicating that a search result page has been refreshed within the last 48 hours.)" Applicant respectfully disagrees with such contention.

As discussed *supra*, the fact that a search result page is refreshed cannot disclose consistency determining unit as recited in independent claim 57. In accordance with the claimed subject matter, the consistency determining unit determines consistency of the item to be assessed based on a comparison between the specified own contents and the acquired contents, other than the own contents. This comparison is used to determine the degree of reliability of the contents. (See for example, paragraphs [0149]-[0162] of US 20070208699 which is a publication of the subject application). None of the cited art discloses such aspects. Therefore, this rejection should be withdrawn with respect to claim 57 and all claims depending therefrom.

**Ie. Rejection of Claims 64-67, 68-70, 89, 97, 105, 113, and 121 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 64-67, 68-70, 89, 97, 105, 113, and 121 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as "Vora") in view of Hurst-Hiller et al. (U.S. No. 2006/0015573) (hereinafter referred to as "Hurst-Hiller"), Christopher Bailey et al. ("Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia", OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as "Bailey"), and Hogan et al. (U.S. 7,299,222, hereinafter referred to as "Hogan"). In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

Amended independent claims 64 and 68 recite at least in part: "an information receiver

which receives directly or indirectly client information indicative of status of access to the contents and access history transmitted from the terminal apparatus that has accessed via the network the contents to be evaluated; a reliability varying unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated, based on the client information;

a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated, according to a result obtained from the identity determining unit.” The cited art fails to teach or suggest such claim features.

On page 22 last paragraph it is contended that a combination of Vora and Hurst-Hiller discloses the aforementioned claim features. In particular, it is contended that Vora discloses an apparatus that “receives directly or indirectly client information indicative of status of access to the contents and access history transmitted from the terminal apparatus”. However, as discussed *supra*, Vora relates generally to the technique for searching for information stored in information storage devices, and controlling the display of indicia of content for information search on a client computer. However, it does not disclose the aforementioned claim features. Hurst-Hiller, Bailey and Hogan fail to make up for the aforementioned deficiency of Vora.

In accordance with the claimed subject matter, the weight a client/user associates with particular content is reflected by the information including the status of access and access history. This facilitates in better judging the reliability of contents as further discussed in claims 64 and 68. As the cited art fails to disclose such aspects, this rejection should be withdrawn with respect to claims 64, 68 and all claims depending therefrom.

**If. Rejection of Claims 78-80, 90, 98, 106, 114 and 122 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 78-80, 90, 98, 106, 114 and 122 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as “Vora”) in view of Hurst-Hiller et al. (U.S. No. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”), Christopher Bailey et al. (“Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia”, OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as “Bailey”), and

Hogan et al. (U.S. 7,299,222, hereinafter referred to as "Hogan"). In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

Amended independent claim 78 recites at least in part: "an update determining unit which determines an update on the decision item in the other contents, and determines if the contents to be evaluated is updated in correspondence with the update on the decision item in the other contents; and a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated, according to a result obtained from the update determining unit". The cited art does not teach or suggest such claim aspects.

On page 29 last paragraph it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 51. However, it is also contended that, "Hogan, though, teaches an update determining unit which acquires respectively publication circumstances of a decision item involving a provider of the contents to be evaluated, about the contents to be evaluated and the comparing contents and determines if the contents to be evaluated is properly updated, by comparing the publication circumstance of a decision item in the contents to be evaluated with that in the comparing contents; (See Hogan Fig. 1D #105 indicating that a search result page has been refreshed within the last 48 hours.)" Applicant respectfully disagrees.

In particular, Applicant respectfully submits again that, in the field of Internet technology, the term "refresh" is generally used as "reload" rather than "update" or "renew". Even if the search result page has been refreshed within the last 48 hours, it does not necessarily mean that the content is updated, i.e., the display of the search result page may not be changed even after refreshing. Particularly, the update information is determined with respect to the decision item which is predetermined for the purpose of determining the degree of reliability. For example, the information search provision apparatus 100 related to Embodiment 3 is further equipped with a comparison unit 136 and an update determining unit 138. The comparison unit 136 compares the contents to be evaluated, collected by a collecting unit 128 with next the contents to be evaluated, to be collected from and posted on the same web page. The update determining unit 138 determines whether the contents to be evaluated have been updated, based on results of comparison by the comparison unit 136. The reliability controlling unit 130 increases or decreases the reliability degree of the contents to be evaluated according to a decision made by the update determining unit 138 at a predetermined time-herein once a day. According to the information

search provision apparatus 100 related to this embodiment, as more updates are made regularly in contents to be posted on a web page, it is more likely that the reliability degree increases. By presenting the reliability degree of contents to users, the users are able to easily ascertain the extent of the reliability degree of the contents. For instance, users can shop comfortably from web pages of an Internet shopping service that have a high reliability degree. (See for example, paragraphs [0119]-[0123] of US 20070208699 which is a publication of the subject application). None of the cited art discloses such aspects. Therefore, this rejection should be withdrawn with respect to claim 78 and claims 79 and 80 depending therefrom.

**Ig. Rejection of Claims 81, 82, 91, 99, 107, 115, and 123 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 81, 82, 91, 99, 107, 115, and 123 under 35 U.S.C. §103(a) as being unpatentable over *Vora et al.* (U.S. 5,819,273) (hereinafter referred to as “Vora”) in view of *Hurst-Hiller et al.* (U.S. No. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”), *Christopher Bailey et al.* (“Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia”, OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as “Bailey”), and *Hogan et al.* (U.S. 7,299,222, hereinafter referred to as “Hogan”). In view of the amendments herein, Applicant respectfully traverses the Examiner’s rejections.

Amended independent claim 81 recites at least in part: “an identity determining unit which determines the identity of the contents, to be evaluated, collected at different timings; and a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated, according to a result obtained from the identity determining unit; a presenting unit which displays the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user of the apparatus on a display, wherein the identity of the contents is determined if the contents to be evaluated, collected at an earlier time, is included as part of the contents to be evaluated, collected at a subsequent time.” The cited art does not teach or suggest such aspects.

In the paragraph connecting pages 32-33 of the subject Office Action, it is conceded that *Vora* in view of *Hurst-Hiller*, and *Bailey* does not disclose the aforementioned aspects of claim 51.

However, it is also contended that, Hogan discloses an identity determination unit as recited in claim 81. At the cited portion Hogan discloses a message on a web page indicating that the search results have been refreshed in the past 48 hours. This is not the same as an identity determining unit which determines the identity of the contents, to be evaluated, collected at different timings. In accordance with the claimed subject matter the identity of the contents to be evaluated, collected at different timings is determined, and the reliability degree of the contents to be evaluated is increased or decreased, according to the determination. The identity determining unit 700 determines the identity of the contents to be evaluated, collected at different timings. More specifically, when determining the identity of the contents to be evaluated, the contents to be evaluated would be newly collected by a collecting unit 128. The identity determining unit 700 determines whether the identity of the contents to be evaluated is maintained, by comparing the contents to be evaluated, collected in the past and stored in a Contents column 306 in a search information storage 180, with the contents to be evaluated, newly collected. (See applicant's Fig. 33 and paragraphs [0240] – [0241] of US 20070208699 which is a publication of the subject application). None of the cited art discloses such aspects. Therefore, this rejection should be withdrawn with respect to claim 81 and claim 82 depending therefrom.

**Ih. Rejection of Claims 83, 84, 92, 100, 108, 116 and 124 under 35 U.S.C. §103:**

At numbered part 6 of the Office Action, the Examiner has rejected claims 83, 84, 92, 100, 108, 116 and 124 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. 5,819,273) (hereinafter referred to as “Vora”) in view of Hurst-Hiller et al. (U.S. No. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”), Christopher Bailey et al. (“Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia”, OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as “Bailey”), and Hogan et al. (U.S. 7,299,222, hereinafter referred to as “Hogan”). In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

In particular, claim 83 recites in part: a contents comparison storage which stores contents for comparison; a uniqueness determining unit which compares the contents to be evaluated with the comparing contents which had already been collected and stored in the contents comparison

storage at the time of collection of the contents to be evaluated and determines uniqueness of the contents to be evaluated if the contents comparison storage does not store the contents to be evaluated. The cited art does not teach or suggest such aspects.

In the last paragraph of page 35 of the subject Office Action, it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 51. However, it is also contended that, Hogan discloses an identity determination unit as recited in claim 81. At the cited portion Hogan discloses a message on a web page indicating that the search results have been refreshed in the past 48 hours. This is not the same as the uniqueness determining unit as recited in claim 83.

In accordance with the claimed subject matter, the uniqueness determining unit 810 determines the uniqueness of the contents to be evaluated, by comparing the contents to be evaluated with the compared contents that had already been collected at the time when the contents to be evaluated was collected. The uniqueness determining unit 810 examines whether the contents to be evaluated has already been registered, by referring to the contents comparison storage 802. If the contents to be evaluated have not been registered in the contents comparison storage 802, it is determined that the contents to be evaluated are highly unique. The reliability controlling unit 130 increases the reliability degree of the contents to be evaluated, when the uniqueness determining unit 810 determines that the uniqueness of the contents to be evaluated is high. (See applicant's Fig. 35 and related description at paragraphs [0248] – [0250] of US 20070208699 which is a publication of the subject application). None of the cited art discloses such aspects. Therefore, this rejection should be withdrawn with respect to claim 83 and claims 84, 92, 100, 108, 116 and 124 depending therefrom.

## **II. Rejection of Claims 71-77 under 35 U.S.C. §103:**

At numbered part 7 of the Office Action, the Examiner has rejected claims 71-77 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Hurst-Hiller, Bailey and Kremen (US 20060053076). In view of the above, Applicant respectfully requests that the Examiner's §103 rejections be withdrawn.

Amended independent claim 71 recites at least in part, "an asset value varying unit which

calculates and updates an asset value for the contents to be evaluated, based on the client information, and the history of purchasing the product through the contents, wherein the asset value is calculated and updated in terms of the estimated future contribution to the sales of the product as a function for a profit over a specific period, customer frequency of use during a specific period, and/or estimated profit.” Independent claim 75 recites similar features.

On page 44 of the subject Office Action, it is it is conceded that Vora in view of Hurst-Hiller, and Bailey does not disclose the aforementioned aspects of claim 71. However, it is also contended that, Kremen discloses the aforementioned features of the independent claims 71, 75. In particular, Kremen relates to the monetization and/or distribution of eclassifieds. The eclassifieds are the "paid" results, e.g., using PPC (pay per click) financial models. Particularly, this technique relates to advertising listings of the eclassifieds. When a web surfer types in a search phrase on an affiliate site which is a search engine, the search engine converts the search phrase into a real-time XML query feed. First, the affiliate may query the affiliate's own internal advertising base or the affiliate's own partners' sites in an attempt to satisfy the web surfer's search query. The affiliate site then pushes the search query XML feed 133 to the third party aggregator 130, which will pull content that satisfies the search query from one or more sources 132a-b (i.e., partner sites) to the affiliate. When the affiliate site receives the XML search results feed, the affiliate sorts the listings in the search results. The listings in the search results that generate the most profit for the affiliate are displayed most prominently. The payments made by advertisers are shared by the affiliate, partner sites and third party aggregator. The paragraph [0032] of Kremen is directed to the explanation of how the affiliate (Kanoodle) sorts the listings in the search results in order to generate the most profit.

The Examiner pointed out that "Kremen, though, discloses wherein the asset value is calculated as a function for a profit over a specific period, customer of use during a specific period, and/or estimated profit. (See Kremen paragraph [0033] discussing listings that generate the most profit, and the sorting of results based on a purported met revenue. See also paragraph [0046] discussing the ability to share revenue obtained from monetizing time-sensitive content. See also paragraph [0044] discussing the ability to increase the value and prices that can be charged. See also paragraph [0032] discussing sorting and displaying search results based upon profit values, which is suggestive of estimated profit values.)" However, Kremen neither discloses nor suggests

the feature that the asset value of the contents to be evaluated is updated in terms of the estimated future contribution to the sales of the product associated with the contents on the basis of the client information, and the history of purchasing the product through the contents as recited in independent claim 71 and 75. For instance, when seeking an asset value of contents containing (<http://-1>), if the annual profit is "100 million yen," the regular customer frequency of use is "20," and the total product property evaluation is "6," then it is estimated that the profit will continue for the next "3" years based on the regular customer frequency of use and the total product property evaluation. From this, the asset value of the contents is calculated as "300 million yen." Furthermore, it is preferable to prepare a standard for calculating the profit calculation period based on the regular customer frequency of use and the total product property evaluation in advance. (See applicant's Fig. 27 and related description at paragraph [0209] of US 20070208699 which is a publication of the subject application). In view of at least the foregoing, this rejection should be withdrawn with respect to these claims as well as claims 72-74 and 76-77 depending respectively therefrom.

### **III. Rejection of Claims 127-130 under 35 U.S.C. §103:**

At numbered part 8 of the Office Action, the Examiner has rejected claims 127-130 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Kremen (US 20060053076). In view of the above, Applicant respectfully requests that the Examiner's §103 rejections be withdrawn.

Amended independent claim 127 recites at least in part, "an asset value calculating unit which calculates a profit or a profit reduction in a transaction related to the contents, and updates an asset value for the contents in terms of the estimated future contribution to the sales of the product by use of the profit or the profit reduction on the basis of the history of purchasing the product through the contents." Independent claim 129 recites similar features.

In accordance with the claimed subject matter the asset value of the contents to be evaluated is updated in terms of the estimated future contribution to the sales of the product associated with the contents by use of the profit or the profit reduction on the basis of the client information, and the history of purchasing the product through the contents. The contents can

therefore be properly evaluated as the asset value thereof. As discussed *supra* in connection with claims 71-77, Kremen neither discloses nor suggests such features. Hence, this rejection should be withdrawn with respect to claims 127, 129 and claim 128, 130 depending respectively therefrom.

**Conclusion:**

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. The fee for the new claims is included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: March 25, 2010

Respectfully submitted,

By: /Bhavani S. Rayaprolu/  
Bhavani S. Rayaprolu  
Registration No.: 56583  
GIBSON & DERNIER LLP  
900 Route 9 North, Suite 504  
Woodbridge, New Jersey 07095  
(732) 634-7634  
Agent for Applicant